

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

RICHARD FUNMAN,

Case No. C-14-03411-RMW

Plaintiff,

**ORDER DISMISSING CASE**

v.

SUSAN WARD, et al.,

Defendant.

Plaintiff Richard Funman filed several documents before this court which the magistrate judge interpreted as “appear[ing] to seek leave of the court to (1) remove a state court case and (2) to proceed in forma pauperis.” *See* Dkt. Nos. 1 (complaint), 2 (first application to proceed in forma pauperis), 4 (second application to proceed in forma pauperis), 5 (notice of removal), and 6 (magistrate judge report and recommendation). On August 7, 2014, the magistrate judge ordered that the case be reassigned to a district judge. Dkt. No. 6. The magistrate judge also issued a report and recommendation that the court remand the case because the court lacks subject matter jurisdiction. *Id.* The magistrate judge also recommended that the court deny as moot plaintiff’s applications to proceed in forma pauperis. *Id.* The undersigned subsequently adopted the magistrate judge’s report and recommendation and remanded the case. Dkt. No. 14. However, the Superior

1 Court of California rejected the case because it has no record of any state court case. Dkt. No. 19. It  
2 appears now that there is no state court case. Funman also listed two state court case numbers on the  
3 complaint, neither of which apparently correlate to a state court case. Accordingly, the court adopts  
4 the magistrate judge's report and recommendation and dismisses the case for lack of jurisdiction.  
5 The complaint does not contain sufficient detail such that the court can determine that it has  
6 jurisdiction.

7  
8 Dated: September 30, 2014



RONALD M. WHYTE  
United States District Judge